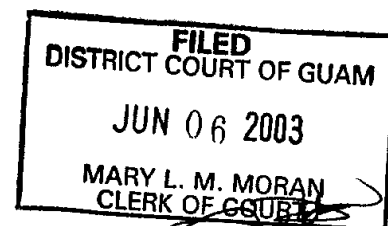


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Attorneys for Defendant
Guam Waterworks Authority



UNITED STATES DISTRICT COURT
TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CIVIL CASE NO. 02-00035
)	
Plaintiff,)	
)	
and TERRI C. DAVIS,)	
)	
Applicant for Intervention,)	DECLARATION OF
)	KEVIN J. FOWLER
vs.)	
)	
GUAM WATERWORKS AUTHORITY)	
and the GOVERNMENT OF GUAM,)	
)	
Defendants.)	
)	

I, **Kevin J. Fowler**, hereby declare and state as follows:

1. I am a partner in Dooley, Lannen, Roberts & Fowler, LLP, who is counsel for Defendant Guam Waterworks Authority ("GWA") in the above-captioned matter and have personal knowledge of the matters set forth herein.

2. Attached hereto as Exhibit "A" is a true and accurate copy of a Preliminary Title Report ("PTR") for Lot Number 3262-1A-2-R1, Chalan Pago-Ordot, Guam, obtained from Security Title, Inc.

ORIGINAL

3. The PTR indicates that as of May 30, 2003, title to the above-described real property was vested in Ling's Corporation.

4. It is upon this PTR that GWA forms its best information and belief as to the ownership of the subject real property upon which Terri C. Davis premises her right of intervention in the above-captioned matter.

I declare under penalty of perjury under the laws of Guam, that the foregoing is true and correct.

Executed this 6th day of June, 2003.



KEVIN J. FOWLER

SCHEDULE A

Commitment No. ST-719348	Effective Date: May 30, 2003 at 8:00 AM
-----------------------------	--

Prepared for:

Dooley Lannen Roberts & Fowler
Suite 201 Orlean Pacific Plaza
Tamuning GU 96911

Phone: 6716461222

Inquires Should be Directed to:



1. Policy or Policies to be Issued: Policy Amount:

- ☒ ALTA Owner's Policy-1992 \$
Proposed Insured:
To be agreed upon
- ☐ ALTA Loan Policy-1992 \$
Proposed Insured:
- ☐ ALTA Leasehold Owner's Policy-1992 \$
Proposed Insured:
- ☐ ALTA Leasehold Loan Policy-1992 \$
Proposed Insured:

2. The estate or interest in the land described or referred to in this commitment and covered herein is a Fee Simple.

3. Title to said estate or interest in said land is at the effective date hereof vested in:
Ling's Corporation.

4. The land referred to in this commitment is located in the Territory of Guam and is described as follows:

Lot Number 3262-1A-2-R1, Chalan Pago-Ordot (formerly known as Sinajana), Guam, Estate Number 69021, Suburban, as said Lot is described in that Retracement Survey Map of Lot 3262-1A-2-R1, as shown on Drawing Number NI-202, as L.M. Check Number 342 FY 93, dated 28 April 93 and recorded on 28 April 93 under Instrument No. 488211 at Land Management.

For informational purposes only, the above referenced map indicates the property contains

Orlean Pacific Plaza
865 South Marine Drive, Suite 202B
Tamuning, Guam 96911
Telephone: (671)647-8100

General Agent for
First American Title Insurance Company

EXHIBIT A

SCHEDULE A

an area of 4,339± square meters (computed) or 46,709± square feet (computed); 4,339± square meters (recorded) or 46,701± square meters (recorded).

Certificate of Title Number: 97406 - Ling's Corporation.

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First American Title Insurance Company



Schedule B

Commitment No.: ST-719348

Schedule B of the policy or policies to be issued will contain the following exceptions unless the same are disposed of to our satisfaction:

1. Defects, liens, encumbrances, adverse Claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

Standard Exceptions

2. Rights or claims of parties in possession not shown by the public records.
3. Easements or claims of easements, not shown by the public records.
4. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
5. Any lien, or right to a lien, for services, labor or material hereto or hereafter furnished, imposed by law and not shown as existing liens by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records.
7. The liability of the Company by reason of any challenge, or claim against, or invalidity of the title herein insured, arising out of, relating to, or as a consequence of any alleged, attempted, or actual violation of any of the provisions of Section 1204 Title 21 of the Guam Code Annotated ("Alien Ownership"), or any of the provisions of 48 U.S.C.A. Sections 1501-1506 ("Alien Ownership of Land"), together with the duty of the Company to defend the Insured by reason of such a challenge or claim, are specifically excepted from the coverage of this policy.

Special Exceptions

8. Any and all real property taxes and or assessments
9. A 14 foot wide proposed access and paved road running through the middle of the property, as disclosed by that Retracement Survey Map of Lot 3262-1A-2-R1, as shown on Drawing Number NI-202, as L.M. Check Number 342 FY 93, dated 28 April 93 and recorded on 28 April 93 under Instrument No. 488211 at Land Management.
10. Grant of Easement, granted to the Government of Guam, dated 25 February 59 and recorded on 26 February 59 under Instrument No. 35867 at Land Manangement.
11. Right of Entry, granted to the Government of Guam, dated 06 November 72 and recorded on 06 November 72 under Instrument No. 117699 at Land Management.

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Schedule B

12. Grant of Easement, granted to the Government of Guam, dated 30 July 74 and recorded on 13 September 74 under Instrument No. 239994 at Land Management.

13. Deed of Real Property Sold For Nonpayment of Property Taxes, against Josefa Cruz Cruz, for the year 1987, in the principal amount of \$75.90 plus interest and penalties, dated 07 March 90 and recorded on 24 July 90 under Instrument No. 438609 at Land Management.

14. Furnish for examination certified copies of the articles and certificate of incorporation of Ling's Corporation.

Furnish evidence that Ling's Corporation is now in good standing with the Government of Guam, or the country of its incorporation.

Furnish a certified copy of the resolution adopted by the Board of Directors of Ling's Corporation authorizing the execution of the proposed transaction.

15. The actual amount of the interest to be insured must be disclosed to the company and, subject to approval of the Company, entered as the amount of the policy to be issued. It is agreed that as between the Company and the applicant for this preliminary title report, the amount of the requested policy will be assumed to be \$1,000 and the total liability of the company on account of the preliminary title report shall not exceed that amount.

* * * * * END * * * * *

Commitment No.: ST-719348

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